

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>LEVI HAWKINS, a/k/a LEVI MCRAE )</b> <b>LUGINBYHL, JR., # 10089-062 )</b> <b>Plaintiff, )</b>	)	<b>CIVIL NO. 11 - 128-GPM</b>
<b>vs. )</b>	)	
<b>LISA J.W. HOLLINGSWORTH, et. al., )</b>	)	
<b>Defendants. )</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

The matter before the Court is Plaintiff Levi Hawkins' (a/k/a Levi McRae Luginbyhl Jr.) failure to comply with this Court's Order (Doc. 40). On June 20, 2011, Plaintiff filed a motion for leave to proceed *in forma pauperis* (Doc. 4). Plaintiff was given leave to proceed *in forma pauperis*, and ordered to pay an initial partial filing fee (Doc. 7). Defendant Chaplain Roloff filed a motion to dismiss, asserting Plaintiff failed to disclose his prior litigation history, which included three prior strikes for failing to state a claim for which relief may be granted (Doc. 32).

In support of the motion, Defendant Roloff cited the following three cases: *Luginbyhl v. American Correctional Assoc.*, No. AW-03-3364 (D. Md. dismissed 12/16/2003, denied motion for reconsideration 2/13/2004) (failure to state a claim); *Luginbyhl v. McMurray*, No. 07-cv-121 (N. D. Tex, dismissed 3/26/2007)(failing to state a claim, being frivolous or malicious); *Luginbyhl v. David L. Moss Criminal Justice Center et. al.*, No. 07-cv-162 (N.D. Okla. dismissed 8/6/2007) (failing to state a claim) (*See* Doc. 32).

Plaintiff is not alleging he is under imminent danger of serious physical injury. Accordingly, the Court ordered Plaintiff to show cause why Plaintiff's *in forma pauperis* status should not be revoked (Doc. 36). Plaintiff submitted two documents to the Court (Docs. 38 & 39), neither of which addressed the Court's concern in the Show Cause Order. The Court revoked Plaintiff's *in forma pauperis* status and ordered Plaintiff to pay the full filing fee on or before June 22, 2012. The Court warned Plaintiff that a failure to pay the full filing fee shall result in a dismissal of this action *with prejudice* pursuant to Federal Rule of Procedure 41(b).

June 22 has come and passed and Plaintiff has failed to pay the full filing fee. Plaintiff did, however, file a motion asking to submit a promissory note in lieu of paying the full filing fee (Doc. 41). That motion (Doc. 41) is **DENIED**. Pursuant to this Court's prior Order (Doc. 40) and Federal Rule of Procedure 41(b), this matter is **DISMISSED with prejudice**. All other pending motions (Docs. 32 & 35) are **DENIED** as **MOOT**. The Clerk of the Court is directed to close this case on the Court's docket.

**IT IS SO ORDERED.**

DATED: June 27, 2012

/s/ *G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge